

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

SEVERIN FREDRIK GISLASON,

Plaintiffs,

vs.

MONTANA DEPARTMENT OF
CORRECTIONS and MONTANA
STATE PRISON,

Defendants.

CV 18-00096-H-BMM-JTJ

FINDINGS AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE

Plaintiff Severin Gislason, a state prisoner proceeding without counsel, filed a proposed Complaint (Doc. 1) along with another inmate and a motion to proceed in forma pauperis (Doc. 2). By Order dated October 9, 2018, the Court severed the cases and required Mr. Gislason to file a copy of his jail or prison trust account statement for the six-month period immediately preceding the submission of his Complaint as required by 28 U.S.C. § 1915(a)(2) on or before November 2, 2018. (Doc. 3.) No account statement has been filed.

Accordingly, the Court issues the following:

RECOMMENDATIONS

1. Mr. Gislason's Motion to Proceed in Forma Pauperis (Doc. 2) should be DENIED and the Clerk of Court should be directed to close the case and enter

judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure if Mr. Gislason fails to pay the \$400.00 filing fee within 30 days of Order adopting these recommendations.

2. The Clerk of Court should be directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.
3. At all times during the pendency of this action, Mr. Gislason shall immediately advise the Court of any change of address and its effective date. Failure to file a Notice of Change of Address may result in the dismissal of the action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED this 27th day of November, 2018.

/s/ John Johnston
John Johnston
United States Magistrate Judge